

NOTE: Any party may support or oppose this amendment by filing an answer in the above-referenced docket. Answers are due by August 6, 2021.

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of)	
)	
Fleet Club LLC)	Docket DOT-OST-2021-0040
)	
for an exemption pursuant to 49 U.S.C.)	
§ 40109 from the provisions of 49 U.S.C.)	
§ 41101 (indirect air transportation))	
)	

**AMENDMENT TO APPLICATION OF
FLEET CLUB LLC**

Fleet Club LLC, (“Fleet Club” or “the Club”) hereby amends its Application for Exemption filed in this Docket on April 2, 2021. The following amendments will serve to further limit the outreach and potential scope of the program proposed in the Club’s Application. Fleet Club also wishes to draw the Department’s attention to certain public interest factors that further distinguish the Club’s program from alternatives in the market.

Fleet Club amends its proposal as follows:

- Membership will be limited to 300 members.
- Frequency will be limited to two to three round-trips weekly, except during limited peak holiday travel seasons.
- Only one city-pair, Miami-New York, will be served.
- Invitations to participate in the program will be limited to existing home- or condominium owners; the Club will advise the building owners or promoters that prospective purchasers should not be informed of this option.

All other conditions and representations contained in the original Application remain unchanged. With the requested amendments, Fleet Club's proposal is well within the limits of operations that the Department has previously approved. Fleet Club's service will be tightly circumscribed in the same ways as those previously approved programs, as described in the original Application and this Amendment.

Public Interest Considerations

Fleet Club's proposed service is a product that is distinct from other options available in the market. It will cater to a very narrow and limited niche of the public through the quality of its services, the options available to members, the high cost of membership (six-figures annually), and the self-imposed conditions and restrictions on its operations. Its members recognize the unique nature of this service.

The creation of new, innovative kinds of air transportation that meet the needs of the market is *exactly* what the Airline Deregulation Act determined to be in the public interest (49 U.S.C. § 40101(a)(12)). Thus, the Department should be finding ways to *encourage* programs such as this; any regulatory impediments should only be those actually necessary to protect the public from harm. While we recognize that the Part 212 and 380 rules serve a valuable purpose in preventing harm to the vast majority of charter customers, it is consistent with the Act's mandate for exceptions to be made in circumstances where the rules are not necessary to protect the public. We believe that the conditions Fleet Club has proposed, and the unique characteristics of the members involved, should fully allay any perceived risk to this particular narrow segment of the public.

Additional Distinguishing Factors

Even though Miami has ample scheduled commercial service, the principal competition for Fleet Club's shuttle flights will be private charters. The United States accounts for approximately 50 percent of the world's private jets, and the NY-South Florida route is the most heavily trafficked private jet route globally. The Club was founded as an innovative development for the low-carbon economy by offering a unique and proven form of "luxury carpooling." The Fleet plans to utilize sustainable aviation fuels and purchase carbon offset credits, making it one of the most carbon-conscious ways to travel privately. Similar shuttle flights have replaced thousands of private charters, driving important environmental benefits. It is consistent with the Department's environmental mandate to permit options that would reduce the number of private charters.

The proposed charters will be particularly accommodating for persons with disabilities or with limited mobility. The aircraft to be operated by the Club has extra-wide aisles that will accommodate a personal wheelchair. As a customized service operating out of FBO terminals, the aircraft will be open for boarding for much longer than commercial services, making it easier for passengers with limited mobility to board the aircraft. Moreover, the Club will make available to its members its own private concierge service for ease of making travel bookings as well as car service, accommodations, and making other special travel arrangements. The concierge will be fully familiar with the members and their requirements.

The requested exemption facilitates the shuttle's ability to operate out of FBO terminals as a private charter. Were the flights operated under Part 380, TSA security programs would require 100% screening of baggage and enhanced screening of

passengers. Application of these security programs would obligate the baggage screening to take place in the main terminal and would greatly disrupt the smooth and expeditious flow of the process on which these shuttle services depend. The enhanced security procedures for true public charters make sense when the passengers are drawn from the public at large; for a small and defined membership group – whose members are pre-vetted – this is unnecessary.

In sum, what Fleet Club is proposing is a very different sort of air transportation that serves a very different sort of clientele. Its distinctiveness, coupled with the small number of participants and the rigorous restrictions imposed on the operation, qualify it for the same sort of exemption as the Department has granted under similar circumstances several times in the past.

ACCORDINGLY, Fleet Club LLC requests leave to amend its Application for an Exemption, as described above, and that the Department proceed to grant its Application as amended, and for such other and further relief as its shall deem necessary.

Respectfully submitted,



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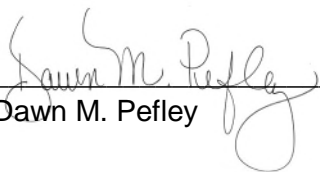
Counsel for **FLEET CLUB LLC**

Dated: July 22, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Amendment by electronic mail upon the following:

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Dated: July 22, 2021